

REMARKS

Claims 1-47 are all the claims pending in the application.

Claim rejections

Claims 1, 4, 7, 10, and 13-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murcko, Jr. (U.S Patent No. 6,578,014; hereinafter “Murcko”) in view of Benton et al. (US Patent No. 4,926,325; hereinafter “Benton”). Claims 2-3, 5-6, 8-9, and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murcko and Benton and further in view of O’Hagan (US Patent No. 6,314,406). Claims 43-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murcko and Benton and further in view of Walker et al. (US Patent No. 6,405,174; hereinafter “Walker”). Applicant traverses the rejections for at least the following reasons.

Independent claims 1, 4, 7, 10 and 37 recites, *inter alia*, “wherein said second electronic document comprises a formula for calculating a payment price based on said order issuer’s payment date.” Applicant respectfully submits that Murcko and Benton do not disclose these features of the claims for at least the following reasons.

First, Applicant respectfully disagrees with the Examiner’s unreasonably broad continued interpretation of the clearly defined limitation of the independent claim 1 recited above.

Murcko is directed to a method and apparatus for a commercial network system designed to facilitate transactions for which a buyer determines the price he or she pays after receiving the information, goods, and/or services from a seller (column 3, lines 41-46). Murcko discloses an item database 500 in which payment date 516 stores the date on which the buyer assigns the

payment amount for the item (FIG. 5; and column 16, lines 59-61). Moreover, Murcko discloses a standard form for buyers to make item request 1700 (FIG. 17). In the portion cited by the Examiner, Murcko discloses that (i) a buyer can optionally provide guidance about what payment they might be willing to pay for the desired item; (ii) the buyer can specify one cutoff percentile for sellers providing items; and (iii) the buyer is able to make item requests to specific sellers (i.e., the buyer can only choose among sellers who are willing to accept item requests from the buyers who meet the sellers requirements such as the buyer having an average payment of at least a certain amount). However, there is no disclosure of a formula for calculating a payment price based on said order issuer's payment date.

In particular, Murcko merely discloses that the buyer provides the payment amount that they might be willing to pay for an item (column 27, lines 65-67) and does not disclose a formula used for calculating the payment amount (the alleged payment price). Further, Murcko also does not disclose calculating the payment amount (the alleged payment price) based on an order issuer's payment date. In fact, the Examiner asserts that “Murcko does not explicitly disclose inputting the order issuers' payment date and transmitting the issuers' payment date (page 4, lines 1-2). Therefore, Murcko does not disclose calculating a payment price based on an order issuer's payment date. That is, Murcko does not disclose a formula which uses the order issuer's payment date for calculating the payment price.

In response to the Applicant's arguments filed on October 25, 2007, the Examiner asserts that “in column 27, lines 49-56, the buyer can specify an item request such as the buyer indicating that he/she is willing to or an approximate amount or he/she can split between sellers” (page 8, lines 11-13 of the Office Action). Applicant respectfully submits again that Murcko

merely discloses that the buyer can indicate an approximate amount that they are willing to pay.

However, this does not disclose or fairly suggest a formula for calculating the payment price

based on the issuer's payment date.

Furthermore, in page 9, lines 6-8, the Examiner asserts that “the buyer sets the payment amount for an item, date and time appears and buyer has a predetermined period of time in which to make a payment.” Applicant respectfully submits that even if, *assuming arguendo*, Murcko discloses the Examiners assertion noted above, it still does not disclose anything about a formula that calculates the payment prices based on the issuer’s payment date.

Benton, O’Hagan and Walker also do not disclose “wherein said second electronic document comprises **a formula for calculating a payment price based on said order issuer's payment date”.**

In view of the above, Applicant respectfully submits that independent claims 4, 7, 10 and 37 and their dependent claims are allowable over the cited references.

In addition, Applicant submits that claim 2, 5, 8 and 11 recite “calculating a reduced price corresponding to said transaction condition **and said order issuer's payment date on said order accepting device.”** The Examiner concedes that Murcko and Benton do not explicitly disclose the calculating reduced price corresponding the transaction condition, but asserts that O’Hagan discloses calculating a reduce price corresponding to the transaction condition (column 21, lines 15-16, FIG. 32, column 23, lines 42-52; column 28, lines 45-50; column 32, lines 1-3). However, the Examiner does not address all the limitations of claims 2, 5, 8 and 11.

Specifically, the Examiner fails to indicate where O'Hagan discloses "calculating a reduced price corresponding to ... said order issuer's payment date on said order accepting device."

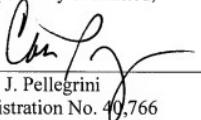
Applicants respectfully submit that O'Hagan merely discloses that the confirmation page includes information relating to the product price, product availability, coupons, discounts, terms on coupons/discounts etc. (column 21, lines 11-19). However, O'Hagan does not disclose "calculating a reduced price corresponding to ... said order issuer's payment date on said order accepting device."

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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